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COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: **MP-5**

December 22, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF SUMMARY VACATION
PORTAL PASS ROAD NORTH OF LEONA AVENUE
AND SLOPE EASEMENT - LEONA VALLEY
SUPERVISORIAL DISTRICT 5
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the vacation of Portal Pass Road, pursuant to the enclosed Resolution of Summary Vacation, is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Sections 15304, 15305, and/or 15321 of Title 14 of the California Code of Regulations (the State CEQA Guidelines).
2. Find that:
 - a. Pursuant to Section 8333(a) of the California Streets and Highways Code, the offer of dedication of road right of way and the slope easement described in the enclosed Resolution of Summary Vacation (hereafter collectively referred to as the Easements) have not been used for the purposes for which they were dedicated or acquired for the immediately preceding five consecutive years.

- b. Pursuant to Section 8334(a) of the California Streets and Highways Code, the Easements are excess and not required for street or highway purposes.
 - c. As required by Section 892 of the California Streets and Highways Code, the Easements are not useful as nonmotorized transportation facilities.
- 3. Terminate the offer of dedication of road right of way and abandon the County's right to rescind rejection of that offer pursuant to Section 66477.2 (c) of the California Government Code.
- 4. Adopt the enclosed Resolution of Summary Vacation, Portal Pass Road North of Leona Avenue and Slope Easement to terminate and abandon the offer of dedication of road right of way and to vacate the slope easement north of Leona Avenue, described in Exhibit A and depicted in Exhibit B of the Resolution.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Easements were dedicated to the County in 1978; however, they became unnecessary when Portal Pass Road was removed from the County of Los Angeles Highway Plan in 2004.

Mr. and Mrs. Warwick Bryan, along with other adjoining property owners, requested this vacation to extinguish public rights and County interest over the unused Easements within the applicants' properties. This vacation will eliminate the Easements encumbering the property and increase the buildable area. Vacation of the Easements will not have any negative impact on any adjacent properties nor on the adjoining road.

It is in the County's best interest to terminate and abandon the offer of dedication of road right of way and vacate the slope easement since they no longer serve the purpose for which they were dedicated and they are not required for general public access, circulation, or as nonmotorized transportation facilities.

Implementation of Strategic Plan Goals

This action meets the County Strategic Plan Goal of Fiscal Responsibility as the vacation of the Easements will result in added revenue through assessment and taxation and reduce the County's possible exposure to liability.

FISCAL IMPACT/FINANCING

Vacation of the Easements will not have a negative fiscal impact on the County's budget. The applicants have paid a fee of \$1,500 to defray the expense of the investigation. The fee is authorized by your Board in a Resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321(d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The areas to be abandoned and vacated contain approximately 221,754 square feet and are shown on the map attached to the Resolution.

Streets and Highways Code Section 8333 provides "the legislative body of a local agency may summarily vacate a public service easement in any of the following cases: (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation."

Government Code Section 66477.2 (c) provides "offers of dedication which are covered by subdivision (a) [including streets] may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code."

The offer of dedication of road right of way was made and slope easement was granted by Document Nos. 78-877279 and 78-877280, respectively, both recorded on August 9, 1978, of Official Records, in the Registrar-Recorder/County Clerk's office. The offer of dedication and dedication were made in connection with Parcel Map No. 4558.

The offer of dedication was never accepted by the County, no improvements were ever made to the right of way or slope easement by the County, and these areas have never been used for County highway purposes.

Adoption of the enclosed Resolution will terminate the County's rights and interest in the Easements. Your action will also result in the property being unencumbered of the Easements, thereby allowing the underlying fee owners to exercise their reversionary rights over the vacated areas.

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ENVIRONMENTAL DOCUMENTATION

Based on the foregoing, this proposed abandonment and vacation are categorically exempt from CEQA as specified in Sections 15304, 15305, and/or 15321 of the State CEQA Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The County of Los Angeles Fire Department has found that the proposed abandonment and vacation will not affect their ability to respond to fire and medical emergencies and that no fire protection facilities will be affected by the vacation. The County of Los Angeles Regional Planning Commission has determined that the proposed abandonment and vacation are not in conflict with the County-adopted General Plan and that the vacation areas are not suitable for bicycle paths or trails.

CONCLUSION

This action is in the County's best interest. Enclosed are two originals of the Resolution of Summary Vacation, approved as to form by County Counsel. Upon adoption of the Resolution, please return one executed original and a copy to us for further processing. We will record the Resolution and return the executed original Resolution to you when recorded. In the interim, please retain one executed original for your files.

One adopted copy of this letter is requested.

Respectfully submitted,

DONALD L. WOLFE
Director of Public Works

JLS:in
P5:blPORTAL PASS.doc

Enc.

cc: Chief Administrative Officer
County Counsel